

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

TEXAS DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2022 MAY 17 PM 4:49

Maisha Sykes
Plaintiff

v.
American Airlines
Defendant

DEPUTY CLERK

mb

3-22 CV 1096 - M

31A-2021-00012
Civil Action No.

COMPLAINT

Please see Attachment

* Attach additional pages as needed.

Date	<u>May 17, 2022</u>
Signature	<u>Maisha Sykes</u>
Print Name	<u>MAISHA SYKES</u>
Address	<u>2323 N. Houston St 305</u>
City, State, Zip	<u>Dallas, Tx. 75219</u>
Telephone	<u>30-58-8438</u>



U.S. EQUAL OPPORTUNITY COMMISSION

Birmingham District Office
1130 22nd Street South, Suite 2000
Birmingham, Alabama, 35205
(205) 651-7033
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 02/28/2022

To: Ms. Maisha Sykes
2808 Mckinney Avenue Apt 638
Dallas, TX 75204

Charge No: 31A-2021-00012

EEOC Representative and email: Trey Pyle
Lead Systemic Federal Investigator
trey.pyle@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 31A-2021-00012.



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On Behalf of the Commission:

Digitally Signed By: Bradley Anderson
02/28/2022

Bradley Anderson
District Director

Cc:

Stacy Espinoza
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Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (Release Date)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Enclosure with EEOC Notice of Closure and Rights (Release Date)

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a “FOIA Request” or a “Section 83 Request” for Charge Number 31A-2021-00012 to the District Director at Bradley Anderson, 1130 22nd Street South Suite 2000

Birmingham, AL 35205. You can also make a FOIA request online at
<https://eeoc.arkcase.com/foia/portal/login>.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:
<https://www.eeoc.gov/eeoc/foia/index.cfm>.

Enclosure with EEOC Notice of Closure and Rights (Release Date)



JACKSON SPENCER LAW

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May 29, 2020

VIA Email and US Mail

American Airlines
5950 Avion Drive
Los Angeles, CA 90045

American Airlines
P.O. Box 619616
DFW Airport, Texas 75261-9616
ATTN: Margaret Barnes, rr1@apfa.org
Doug Parker, doug.parker@aa.com

Re: Wrongful Termination of Maisha Sykes

Dear Ms. Barnes and Mr. Parker,

This firm has been retained by Maisha Sykes (“Sykes”) with respect to certain issues that have arisen during the course of her employment with and wrongful termination from American Airlines (the “Company”). After investigating this matter, I have concluded that the Company has discriminated against Sykes because of her race, color, and national origin and in retaliation in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Texas Commission on Human Rights Act (“TCHRA”). The purpose of this letter is to formally notify you of Sykes’ complaints and to explore the possibility of a fair resolution prior to the filing of a charge/complaint with the respective responsible administrative agencies and preliminary to the filing of a lawsuit on behalf of Sykes. Going forward, please direct all communications regarding this matter to the undersigned.

FACTUAL BACKGROUND

Sykes, who is African American, began working for the Company in June 2014 as a Flight Attendant. Despite Sykes’ good performance, her supervisors consistently dismissed Sykes’ complaints of race, color, and national origin discrimination, which Sykes experienced on a regular basis from certain passengers and Company management. None of Sykes’ supervisors, including Sykes’ supervisor as of April 2019, Flight Service Manager Terri Poole, who is Anglo-Caucasian, took any action to even investigate Sykes’ complaints of discriminatory treatment.

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On July 29, 2019, Flight Attendant Rhonda Curtwright, who is Anglo-Caucasian, stated, “American hires anybody,” “I don’t know why American hires you people,” and “I don’t understand you people” to Sykes while on a commuting flight. Sykes, offended and upset by Curtwright’s comment, reported the comment to Poole as well as her Union Representative Lisa Bales, Anglo-Caucasian the same day via email. The next day, Poole emailed Sykes, “I apologize that you were treated so rudely,” and then stated that behavior was not “the way we would like” Sykes to be treated. However, no investigation ensued from Sykes’ complaint.

In mid-August to early September 2019, Sykes met with Flight Service Manager Victor Rendon, who is Anglo-Caucasian, Bales, and Poole to discuss the events of July 29. Rendon dismissed Sykes’ concerns and did not acknowledge Sykes’ complaint to Poole and Bales made the same day of the incident. Additionally, Bales showed Sykes a printed email from Flight Attendant Steve Flores, who is Anglo-Caucasian, to Rendon, describing Sykes as “dangerous” and “angry.” Rendon then revoked Sykes’ badge and stated that the Company would be completing an investigation of the incident. Sykes, distressed at Rendon’s statements and actions, asked why she had not been called in a month prior when she had reported Curtwright’s discriminatory comments, why Flores had not been reprimanded for his discriminatory comments in his letter, and if the alleged investigation was retaliatory in nature. Rendon refused to answer Sykes’ questions.

In early November 2019, Rendon scheduled a meeting with Sykes, whereupon Sykes reached out to Poole, who told Sykes that Rendon had not asked for any input from her before the meeting. On November 11, 2019, Rendon called Sykes into a meeting with APFA President Margaret Barnes, who is Anglo-Caucasian. Rendon stated the Company was terminating Sykes for just cause and told Sykes she “did not deserve” her job. When Sykes asked why her current supervisor, Poole, was not asked for any input or even interviewed, Rendon responded that Poole had been “newly hired.” Sykes also asked why her complaint of discriminatory treatment by Curtwright had not been investigated, but Rendon was unable to provide a response. Barnes then asked Rendon to rewrite Sykes’ termination letter, which she called “one-sided.” Sykes asked Rendon why he had sided with Flores’ letter. Barnes then asked Rendon to step out of the meeting and told Sykes that Rendon thought Sykes’ report was “fabricated.”

On January 9, 2020, Sykes attended a grievance meeting with Barnes, Director of Flight Service Tim McMahan, and Andy Patterson, all of whom are Anglo-Caucasian. When Barnes presented the evidence of Curtwright’s discriminatory statements to Sykes and argued that Curtwright’s statements were completely unwarranted and discriminatory, Patterson began to speak on Sykes’ behalf. Immediately after Patterson began to speak, McMahan waved his hand, silencing Patterson, then stated that he did not see any problem with Curtwright having referred

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to Sykes as “you people.” Sykes’ grievance was then rejected because Barnes believed that Sykes’ complaint would not be upheld at a disciplinary hearing or arbitration due to Sykes’ past repeated complaints.

UNLAWFUL AND ILLEGAL ACTS BY THE COMPANY

Throughout Sykes’ tenure, the Company has consistently sided with Anglo-Caucasian perpetrators of racially discriminatory actions against Sykes and summarily refused to investigate her complaints. Instead of investigating Sykes’ complaint immediately after she reported Curtwright’s discriminatory comment, the Company ignored Sykes, as it had consistently done in response to her complaints. Later, after an Anglo-Caucasian coworker called Sykes “angry,” an Anglo-Caucasian manager revoked Sykes’ badge to complete a supposed investigation that did not even include an interview of Sykes’ own manager. After terminating Sykes without following Company procedure, the Company has continued its pattern of discrimination and retaliation against those who have consistently complained. There is more than enough evidence to establish a *prima facie* case of race, color, and national origin discrimination as well as retaliation to ensure that Sykes’ claims survive any future dispositive motion.

DEMAND

Accordingly, please consider this letter as formal notice to the Company and as a demand on behalf of Sykes for compensation for damages suffered by Sykes as the result of the unlawful actions of the Company. Although we believe that this case will have much greater value when tried to a jury, my client is willing to first attempt to resolve this matter fairly and responsibly without filing with the Texas Workforce Commission and Equal Employment Opportunity Commission and then pursuing her claims in court to protect her rights.

If the Company is interested in resolving this matter, please contact me immediately upon receipt of this letter. **If, on the other hand, I do not hear from you within seven (7) days, I will immediately institute additional legal and administrative proceedings to protect my client’s rights.** Sykes’ job search has been negatively impacted not only by the Company’s unlawful actions but by the effects from the COVID-19 pandemic; the increased difficulty Sykes will encounter in finding gainful employment has been reflected in the demand below.

Demand is hereby made for the following monetary and non-monetary redress to compensate Sykes for damages suffered by her as the result of the unlawful conduct of the Company:

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1. \$191,360, which is equivalent to approximately 24 months of her salary as separation pay;
2. Eighteen (18) months of COBRA payments;
3. Positive references from any agent of the Company from which a prospective employer requests a reference for Sykes.

PRESERVATION OF DOCUMENTS

BE ADVISED that the Company and its agents, servants, employees, representatives, officers, directors, managers, attorneys, subsidiaries, and related and affiliated entities have a duty to preserve evidence, including but not limited to the duty to retain and maintain all documents – personal and business-related emails, instant messages, text messages, computer information, electronically stored information, and/or digital materials in their custody, possession, and/or control, including current files, emails and other communications, historical files, archival files, back-up files, and legacy computer files, whether in current or historic media or formats, which may relate to any and all claims by Sykes and others similarly situated. TO ENSURE COMPLIANCE WITH THE COMPANY'S OBLIGATION TO PRESERVE EVIDENCE, PLEASE INFORM THE COMPANY'S INFORMATION TECHNOLOGY STAFF/ VENDOR AND ALL INVOLVED EMPLOYEES TO PRESERVE THE ABOVE MATERIALS.

If this matter is not resolved informally and the Company or its agents, servants, employees, representatives, officers, directors, managers, attorneys, subsidiaries, and related and affiliated entities fail to preserve all evidence, they may be liable for sanctions due to spoliation of evidence, and subject to an adverse inference jury instruction at the time of trial reflecting that documents were destroyed.

This letter is not intended to constitute, nor shall it be deemed to constitute, a full statement of all facts, rights, or claims relating to this matter, nor is it intended, nor should it be construed as a waiver, release, or relinquishment of any rights or remedies available to my client, whether legal or equitable, all of which are hereby expressly reserved.

You may contact me at the above-listed telephone numbers or email address. Thank you for your prompt attention to this matter.

Sincerely,



Jennifer J. Spencer

